

REMARKS

[0002] Applicant respectfully requests entry of the following remarks and reconsideration of the subject application. The remarks should be entered under 37 CFR. § 1.116 as they place the application in better form for appeal, or for resolution on the merits.

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-12 and 20-37 are presently pending. Claims amended herein are: None. Claims withdrawn or cancelled herein are: None. Claims Allowed are : 12

Statement of Substance of Interview

[0004] The Examiner graciously talked with me, the undersigned representative for the Applicant, on June 25th, 2008. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005] During the interview, we discussed the definition of the term "pipeline". I understood the Examiner to tentatively agree to remove the rejections of claims 1-11 and 20-37 under 35 USC 102(e) if citations in support of the definition of the term "pipeline" were made to clarify the definition, as discussed in the interview.

[0006] Applicant herein provides the clarifying citations as discussed in the above mentioned Examiner interview. Accordingly, Applicant submits that the

pending claims are allowable over the cited references of record for at least the reasons discussed during the interview, in prior written communications, and this response.

Formal Request for an Interview

[0007] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can discuss this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0008] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your telephone call as well. My contact information may be found on the last page of this response.

Substantive Matters

Allowable Subject Matter

[0009] Applicant would like to thank the Examiner for allowing claim 12. This claim has not been amended herein, and therefore remains allowable.

Claim Rejections under § 102

[0010] The Examiner rejects claims 1-11 and 20-37 under § 102. For the reasons set forth below, the Examiner has not shown that the cited reference anticipates the rejected claims.

[0011] Accordingly, Applicant respectfully requests that the § 102 rejections be withdrawn and the case be passed along to issuance.

[0012] The Examiner's rejections are based upon *Muhlestein, et al.*, US Patent Publication No. 2003/0018765 (published January 23, 2003).

Anticipation Rejections

[0013] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.¹ Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.²

Based upon Muhlestein

[0014] The Examiner rejects claims 1-11 and 20-37 under 35 U.S.C. § 102(e) as being anticipated by Muhlestein. Applicant respectfully traverses this rejection. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

Independent Claims 1, 20 and 26

[0015] Applicant submits that Muhlestein does not anticipate these claims because it does not show or disclose at least the following elements as recited in these claims (with emphasis added):

- “an operating environment supporting a **pipeline of a plurality of object-based commands**”

¹ “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

² See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

[0016] The Examiner indicates the following with regard to claim 1 and, by reference to claim 1, with regard to claims 20 and 26:

Regarding claim 1, Muhlestein discloses a system and method for accessing management functionality through a command line utility. Muhlestein discloses a set of commands for the WMI command utility configured by an underlying object model command schema. The object-oriented command schema defines the command line utility comprising a plurality of commands which meets the limitation *a pipeline of a plurality of object-based commands*. See pages 1 and 2, paragraphs [0011]-[0013].

[0017] Applicant submits that a Pipeline is a term well known in the art and that Muhlestein does not disclose a **pipeline**. Webopedia.com defines a pipeline as it is understood by one skilled in the art as:

A temporary software connection between two programs or commands. Normally, the operating system accepts input from the keyboard and sends output to the display screen. Sometimes, however, it is useful to use the output from one command as the input for a second command, without passing the data through the keyboard or display screen. Pipes were invented for these situations.

One of the best examples of pipe usage is linking the command that lists files in a directory to a command that sorts data. By piping the two commands together, you can display the files in sorted order. In UNIX and DOS, the pipe symbol is a vertical bar (|). The DOS command to list files in alphabetical order, therefore, would be:

DIR | SORT

<http://www.webopedia.com/TERM/p/pipe.html>

[0018] Muhlestein does not disclose the use of pipes or a pipeline of commands as understood by one skilled in the art. Consequently, Muhlestein does not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 2-11, 21-25 and 27-37


[0019] Each of these claims ultimately depends upon independent claim 1, 20 or 26. As discussed above, claims 1, 20, and 26 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Conclusion

[0020] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me or my assistant at your convenience.

Respectfully Submitted,

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